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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,091	03/19/2001	Walter J. Ledergerber	263/103	2870

34263 7590 08/12/2003

O'MELVENY & MEYERS
114 PACIFICA, SUITE 100
IRVINE, CA 92618

EXAMINER

ISABELLA, DAVID J

ART UNIT	PAPER NUMBER
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3738

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DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NK

Interview Summary	Application No.	Applicant(s)	
	09/813,091	LEDERGERBER, WALTER J.	
	Examiner	Art Unit	
	DAVID J ISABELLA	3738	

All participants (applicant, applicant's representative, PTO personnel):

(1) DAVID J ISABELLA.

(3) Walter Ledergerber.

(2) David Murphy.

(4) ____.

Date of Interview: 06 August 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: ____.

Claim(s) discussed: Outstanding Claims.

Identification of prior art discussed: Netto and Mikulich et al.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the rejection under 35 USC 112, 1st paragraph. Examiner pointed out that the applicant failed to furnish the Office with a declaration directed to incorporation of subject matter to an earlier filed application prior to examination. Applicant agreed to cancel claims 116-121 and amend claim 94 to overcome rejection. Dr. Ledergerber explained why the references were not combinable..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required